

Region 43 700 MHz and 4.9 GHz Regional Planning Committee

c/o Kevin Kearns, Chairperson
King County Information and Telecommunications Services Division
700 5th Avenue, Suite 2300
Seattle, WA 98104-5002
Phone: 206-296-0660
Email: kevin.kearns@metrokc.gov
Web Site: www.region43.org

June 30, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: WT Docket 00-32

Dear Ms. Dortch,

The Region 43 (Washington) 700 MHz Regional Planning Committee formally requests that the Commission delay the current requirement that Regional Planning Committees have regional plans developed for the 4.9 GHz band by July 30, 2004. Pursuant to FCC rule section 90.1211 (a)¹ Region 43 has elected to undertake regional planning for the public safety 4.9 GHz spectrum, but will be unable to complete a regional planning process before the deadline.

While Region 43 has established a dedicated working group within our members to focus on the 4.9 regional planning body of work, we have found that the lack of clear information on exactly what the rules will be (particularly with regards to the emission mask issues) is limiting the information from the vendor community on the specific types of technologies and capabilities that will be available in the band. Therefore, we are at a real disadvantage in trying to plan how uses of this band should be coordinated within the Region so that all eligible users can achieve effective use of the band with minimal and manageable interference within this 'unregulated commons' type of licensing scheme.

Therefore, Region 43 requests that the due date for plan submissions from the regions should be moved to a date that is 12 months after the Commission acts on the Petition for Reconsideration by NPSTC. Region 43 supports the points raised by NPSTC in that filing and encourages the Commission to act soon to provide better clarity and focus to the rules for this band so public safety agencies, regional planning committees, and vendors can get moving forward to make effective use of this band.

We are very supportive of the recommendations in NPSTC's Petition related to the enforceability of regional plans once adopted. While we agree with and support the Commission's decision to allow agency-wide licensing in the 4.9 GHz band, the realities of having numerous overlapping jurisdictions throughout our Region opens the door to unmanageable interference if regional

¹ §90.1211 Regional plan.

(a) To facilitate the shared use of the 4.9 GHz band, each region may submit a plan on guidelines to be used for sharing the spectrum within the region. Any such plan must be submitted to the Commission within 12 months of the effective date of the rules.

plans and procedures aren't adopted and adhered to. In our opinion, this can't be accomplished without the authority of FCC rule mandating that if formal regional plans are in place that licensees within the region must adhere to them. We encourage the Commission to give their support to this issue for the benefit of all users within the band.

Finally, we wish to express support for reaching a final determination on the emission mask issues as quickly as possible. During our planning efforts to date, the most common theme in our meetings has been a desire by the users to see products in this band be as close to "off-the-shelf" as possible. We do not want products for this band to become unique to public safety and thereby lose the leveraging power of the broader UNII marketplace. The emission mask proposals developed by NPSTC appear to us to achieve that goal and we support their adoption.

Region 43 has a long history of cooperative and collaborative regional planning efforts in the 800 MHz and now the 700 MHz bands, and fully envision we can accomplish the same in the 4.9 GHz band if given adequate time.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Kearns".

Kevin Kearns
Chair